

The April 28, 2009 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

Councilmember's:	Brian Burns	Mark Kobasuk
	Doug Evans	Ken Pulskamp
	Tracy Hueber	Daryl Zornes

Mayor: Curt Cosby

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Mayor Cosby welcomed everyone.

Audience Participation: No response

Mayor Cosby

D & S Consulting: Mayor Cosby presented council with an update from D & S Consulting. Allen Freeman is working on several positive opportunities for the village. Mayor Cosby confers with Mr. Freeman at least once a month.

Liquor License Transfer: April 2008, Epic Mart, LLC (dba Ivy Hills Market) was issued a TREX liquor license transfer, approved by the village. Recently, Big Man, Inc. purchased Ivy Hills Market and has requested a TREX transfer, liquor license.

Mr. Pulskamp made a motion to approve TREX liquor license transfer from Epic Mart, LLC (dba Ivy Hills Market) to Big Man, Inc. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Lake Barber: Mayor Cosby received a letter from Mike Zicka. It is his intention to dispose of Lake Barber by transferring the deed to another party or parties. Mr. Zicka purchased this property from Dravo Corporation for \$20,000. In 1994, the Village of Newtown was given the right of first refusal on the property. The property is located over the railroad track on Round Bottom Road, behind Doug Evan, Doug Hall and behind Newtown Landfill. Mr. Evans said the property is about 16 acres and the recreational rights are used for 100 years and the only thing he can sell is the right to use the water to the Country Club, etc. The letter did not include an asking price; Mr. Zicka wants to know if the village is interested in Lake Barber. The village needs to sign off on the first right of refusal if we are not interested so Mr. Zicka can move forward.

Solicitor Miller said with the first right of refusal, the village has the right to buy it if he is going to sell it to someone else at that price. Originally, the village let it go from Dravo because they didn't want the potential liability for any environmental problems in the water. Solicitor Miller said the right of first refusal allows the village to match that an offer.

Mayor Cosby and council are waiting on further information before making a decision.

Property Maintenance Inspector

Dick Weber works eight (8) hours a week for the village. Mayor Cosby suggested maintaining Mr. Weber's services for the remaining of the year. There are still properties requiring attention and Mr. Weber continues to do a good job. The hourly rate and contract remains the same as 2008.

Memorial Day Parade

For the first time in 17 years, a Memorial Day Parade is scheduled for Monday, May 25th. The Village of Newtown Veterans Association has been working tirelessly on planning the parade. Assembly will begin at 11:00 a.m. at Miami Valley Christian Academy and step-off will be at 1:00 p.m. The parade will last about one and a half hours, commencing at Moundview Park with a groundbreaking ceremony for the memorial wall. A picnic will be provided as a fundraiser for the wall.

Police Department

Chief Synan reported the police department has initiated a Task Force that will be aggressive in different patrol tactics. The warmer weather brings an increase in drug activity and alcohol violations. Recently, an officer stopped a car on one of the known drug routes and not only found drugs but found a hand gun by the driver. The Task Force will be very aggressive in reducing these types of violations. Cincinnati District 2 Police Department will assist in bringing out a License Plate Recognition car, which is a car with a LPR camera that automatically runs plates and pops up warrants, etc. The Sheriff's department approached us regarding reducing crime in the area. The Task Force will also be initiating a traffic-blitz, which is for a four-hour period we target aggressive drivers. In the first week of initiating the Task Force, twenty-three citations were issued, thirty arrests, seven of which were drug arrests, six alcohol violations, three of which were for underage possession and two road rage incidents.

Traffic Signals

Mr. Evans asked Chief Synan to keep an eye on Valley and Round Bottom. Chief Synan urged everyone to use caution until problems with the lights are worked out. Last week Mayor Cosby,

Ken Pulskamp, Chief Synan, Brandstetter met with ODOT; they are aware of the problem and are working on the timing of the lights.

Little Miami Fire & Rescue Fire Board

Council received a letter from Mr. Terry Fairley expressing interest in the vacant position on the Fire Board. The next meeting is May 20th at 6:00 p.m.

Mr. Burns made a motion to appoint Mr. Terry Fairley to represent the Village of Newtown on the Little Miami Fire Board. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Ms. Hueber currently serves as the council representative for the village on the Fire Board. She said it has been difficult to attend some of the meetings due to the meeting now starting at 6:00 p.m.

Mr. Evans made a motion to nominate Brian Burns to serve as the alternate for council to the Fire Board, when Ms. Hueber is unable to attend the meetings. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Newtown Civic League

April 13th, the previous board of the Civic League stepped down and a new board was appointed. They meet the second Monday of the month at 6:30 p.m. All are welcome; the cost to join is \$1.00.

Moundview Update

Mr. Burns spoke to the \$5,000 approved at the March 24th council meeting for necessary renovations to Moundview. Mr. Evans has donated a dumpster and there have been many volunteers donating their time. Mr. Burns said so far it has not cost the village a dime for the work that has been done. The plan is to get the building ready for public meetings to provide a space to meet everyone's needs; and to be fiscally responsible as possible. New flooring is needed in some of the rooms. Currently, the Civic League, Village of Newtown Veterans Association, Charity Quilters and the newly formed Historical Society will meet there regularly. It will also be the home for the Newtown Business Association to host their meetings. There will be some expense to the village; the building has had no repairs in many years. All are welcome to stop in and take a look!

Mr. Evans said it is great the amount of people who have donated. Mayor Cosby thanked everyone that has been involved donating their time and efforts. It sure has been appreciated.

Checklist

Mr. Kobasuk inquired about the microwave purchase. Town Hall has always had a microwave and this purchase replaced the one that recently broke, said Mayor Cosby.

Mayor Cosby said Silas King has been working in the basement building shelves for storage. Mr. King also recently replaced the roof at the cemetery that was damaged by the storm last Fall.

Mr. Burns made a motion to approve Checklist dated 4-28-2009, which includes the 4-14-2009 Checklist, in the amount of \$132,946.49. Ms. Hueber seconded the motion. Mr. Burns-Yes, Mr. Evans-Abstain, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Supplemental Appropriations

Mr. Evans made a motion to approve RESOLUTION NO. 09-2009 A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION AND A TRANSFER AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2009, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Eastern Corridor

Mr. Evans spoke to the plans for the Eastern Corridor, most of which go straight through Newtown. He suggested coming up with a route that would benefit Newtown since we have opposed the proposed routes. Mayor Cosby said he did offer alternatives to Ted Hubbard when they last met. Mayor Cosby said the problem is they have a designated corridor and at this point, they are not willing to look outside of that. Outside of that corridor, at least to the northern border, would make the most sense for the least amount of impact for Newtown, then starts to interfere with the groups affiliated with the Little Miami. They feel it is encroaching too close to the national, state and local scenic river. Mayor Cosby said he did offer alternatives, but felt it fell on deaf ears. And to date, we have not heard back from them. Mayor Cosby said he does have issue with them coming in taking out one-third of the village's tax base and some residential neighborhoods just because they don't want to get too close to the river. He said it is not a fair trade off. Mr. Evans said the Corridor will impact Newtown more than anyone else and it is not right for someone else to make decisions for the village. We need to say what our residents and business owners want, Mr. Evans said.

Mayor and Council decided to invite Allen Freeman and State Representative Peter Stautberg to meet June 9th at 8:00 p.m.; the council meeting will adjourn promptly at 8:00 p.m. to discuss the Eastern Corridor.

Property Maintenance Inspector

Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 10-2009 A RESOLUTION APPROVING A 2009 CONTRACT WITH RICHARD A. WEBER (DBA DWJR Property Services) FOR PROFESSIONAL SERVICES AND DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Round Bottom Road Ordinance

Mr. Pulskamp explained this ordinance is for the village to accept the money from the county for their part of the funding for Round Bottom Road. Mr. Kobasuk asked the amount we are accepting from the county. Mr. Pulskamp said their part of the grant is \$73,000.

Mr. Pulskamp made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 04-2009 AN ORDINANCE AUTHORIZING AN AGREEMENT RELATIVE TO THE IMPROVEMENT OF ROUND BOTTOM ROAD REHABILITATION BETWEEN THE VILLAGE OF NEWTOWN AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Identity Theft (Red Flag) Policy

Mr. Pulskamp made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 11-2009 A RESOLUTION ADOPTING AN IDENTITY THEFT (RED FLAG) POLICY, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

International Property Maintenance Code 2009

Mr. Pulskamp made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 05-2009 AN ORDINANCE APPROVING AND ADOPTING WITH MODIFICATIONS THE INTERNATIONAL CODE COUNCIL INC., INTERNATIONAL PROPERTY MAINTENANCE CODE/2009 AS THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF NEWTOWN, AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

FEMA Grant Fund

Mr. Pulskamp made a motion to suspend the rules. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 12-2009 A RESOLUTION ESTABLISHING THE FEDERAL GRANT FUND AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

No Parking Ordinance for Street Repair

Barrett Paving will begin the contract for Round Bottom, River Hills and Ivy Hills Lane May 11th. Their estimated time of completion for everything is June 4th. It is only no parking when posted eight (8) hours prior to construction. Barrett will post "no parking" the day before. We will also hand deliver a letter to everyone in River Hills and everyone on Ivy Hills Lane where the construction will take place. The letter we hand out will alert the residents to watch for the "no parking" notice from Barrett.

The paving will begin on Round Bottom; there is widening to be done on Round Bottom Road and some full depth repair. They will mill Round Bottom and at the same they will mill River Hills and Ivy Hills Lane. The paving will then be done all at the same time within days of each other. Mr. Brandstetter said the paving will probably take about one week.

Mr. Pulkamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. Motion Carried.

Mr. Pulkamp made a motion to adopt ORDINANCE NO. 05-2009 AN ORDINANCE DESIGNATING NO PARKING ON CERTAIN STREETS UNDER REPAIR IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulkamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Mr. Pulkamp spoke to the meeting held last week with Mayor Cosby, Chief Synan, Brandstetter Carroll and ODOT. We have had problems with traffic backing up with the new lights; we have changed the timing on the lights. Mr. Pulkamp said one of the biggest problems is there are no left turn signals turning from Church Street onto Valley and turning from Round Bottom onto Valley. The state guidelines show we do not have enough traffic for left turn signals so they would not include it in their part of the project when they installed the traffic lights. Mr. Pulkamp said the village is allowed to install the left turn signals, but the state could not because the traffic study does not meet their guidelines. The contract price for Round Bottom Road is \$343,800 out of the \$365,000 available funding. Barrett quoted \$1,800 add-on to put a left turn signal on Round Bottom Road, which would be an additional \$180 from the village for our portion. Mr. Pulkamp said the village does need the left turn signals. The village would pay 100% for a left turn signal at Church Street and Valley, which is \$1,800. It would cost \$1,980 to have the two left signals at both places to help relieve the traffic problem. Mr. Brandstetter said there will be a dedicated left turn lane at Round Bottom and Valley. Of the \$365,000, there are \$21,200 funds remaining so the money is there to do it.

Mr. Pulkamp made a motion to approve an amount not to exceed \$2,000.00 for two left turn signals at Round Bottom and Valley and Church Street onto Valley. Mr. Kobasuk seconded the motion.

Discussion

Mr. Brandstetter said because there are two different contracts, it would be best to do a change order to the Barrett contract for the \$1,800 and then contract directly with Capital Electric for the other one. That will make the accounting and auditing easier.

Solicitor Miller will prepare a resolution for the May 12th council meeting approving the \$1,800 change order to Barrett.

Mr. Evans asked if we could consider widening some of the areas along Round Bottom with the new bike trail going through the park, since there is extra money. Mr. Brandstetter said the plan is to try and get a consistent width. Mr. Brandstetter spoke to the \$21,000 left over and he said we would like to spend the \$21,000 on full-depth or on some widening for a little bit thicker asphalt and max out the \$365,000 grant. Out of the \$21,000, actually \$2,100 is the village's portion and the rest is OPWC or MRF money. If we don't use it, we lose it. Mr. Brandstetter said it would be good if we can spend more money on full-depth repairs or on asphalt overlay or shoulders with the amount of truck traffic on Round Bottom. Construction will move very quickly.

All Aye. Motion Carried.

Mr. Pulkamp made a motion to use the remaining funds of the grant for the Round Bottom Road project for additional paving, shoulder repair and full-depth repair as needed, not to exceed the total balance of \$365,000, the total original grant for \$365,000. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Martin Marietta

Mr. Kobasuk asked Solicitor Miller for an update on the Martin Marietta mining issue. Solicitor Miller said the next meeting will be May 20th. He said it is anticipated that the organized opposition, attorneys, should finish their case at that meeting and then move to comments from residents and the general public. Martin Marietta will then come back to try to answer a lot of the issues raised by the opposition. It will probably take a while answer the general public. Solicitor Miller said he will get involved again when Martin Marietta comes back to answer the issues raised by Newtown and other communities. Solicitor Miller does attend the meetings, usually by conference call of all of the attorneys and strategizing.

Council Minutes

Mr. Zornes made a motion to approve the March 24, 2009 council minutes. Mr. Pulkamp seconded the motion. All Aye. Motion Carried.

Human Resource Work Session: Monday, May 4th at 7:00 p.m.

Moundview Apartment

Mr. Pulkamp asked Mr. Burns when he anticipated the apartment would be ready to rent. Mr. Burns said we obviously want to get someone in there. Mr. Pulkamp said as a reminder, if we can forecast and get it out thirty days ahead, it has to be put out for public bid.

Salary Ordinance

Mr. Pulskamp asked Solicitor Miller if the salary ordinance was dated going from a certain date to a certain date. Solicitor Miller said he believes it is. Mr. Pulskamp asked if we need to do the salary ordinance again with the same rates for 2009 since nothing is changing. Solicitor Miller said yes; he will prepare a new salary ordinance for the May 12th council meeting.

Moundview Deed

Solicitor Miller said the deed to Moundview has been cleaned up and recorded.

Mr. Pulskamp made a motion to adjourn at 8:00 p.m. Ms. Hueber seconded the motion. All Aye.

Transcribed by Becky Fairley